

Name: Brian Baker
Address: 29045 Raintree Lane
Saugus, California 91390
Phone: 661-296-2970
Plaintiff In Pro Per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED
2010 MAR 15 PM 1:28
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
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BRIAN BAKER,
PLAINTIFF,

Case No. **CV 10 1843** **DMG** (JEMX)
(To be supplied by the Clerk)

vs.

THE STATE OF CALIFORNIA and
ARNOLD SCHWARTZENEGGER,
Governor of the State of California

COMPLAINT FOR:
DECLARATORY JUDGEMENT
AND INJUNCTIVE RELIEF

DEFENDANT(S).

I. JURISDICTION

1. Jurisdiction is founded on 28 U.S.C. § 1331 in that this action arises under the Constitution and laws of the United States, and under 28 U.S.C. § 1343(3) in that this action seeks to redress the deprivation, under color of the laws, statutes, ordinances, regulations, customs and usages of the State of California of rights,

3/15/2010 1:33:56 PM Receipt #: 133799
Cashier : NPAGE LCN 1-11
Paid by: BRINN BAKER
2:CV10-01843
2010-086982 5 - Civil Filing Fee(1)
Amount : \$66.00
2:CV10-01843
2010-510000 11 - Special Fund F/F(1)
Amount : \$122.00
2:CV10-01843
2010-086483 Filing Fee - Special(1)
Amount : \$122.00
R.O. Payment : PS200 / 350.00

1 privileges or immunities secured by the United States Constitution and by Acts of
2 Congress.

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4 2. This action seeks relief pursuant to 28 U.S.C. §§ 2201, 2202, and 42
5 U.S.C. § 1983. Venue lies in this district pursuant to 28 U.S.C. § 1392(b).

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8 **II. VENUE**
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11 3. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1392(b).

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14 **III. PARTIES**
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18 4. Plaintiff's name is Brian Baker. Plaintiff resides in Saugus, California,
19 91390, United States of America. Plaintiff is a citizen of the United States of
20 America.

21
22 5. Defendant Arnold Schwarzenegger (hereinafter "Schwarzenegger") is
23 the Governor of the State of California, which is his principal place of business in
24 that capacity. He is being sued in his official capacity. The State of California is a
25 state in the United States of America. Schwarzenegger and the State of California
26 and their officers, agents and employees are sometimes hereinafter referred to as
27 "Defendants".
28

IV. STATEMENT OF FACTS

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4 6. Plaintiff has resided in California since 1974. For several years Plaintiff
5 has purchased over the internet, for his own personal use, ammunition for
6 handguns and long guns that he personally owns. These purchases are from
7 vendors located outside the State of California, and the merchandise, once
8 purchased, is typically delivered to Plaintiff's door by shipment from the vendor
9 via private carriers such as FedEx and UPS. This enables Plaintiff to take
10 advantage of the availability of ammunition that may not be available locally;
11 volume buying discounts; lower prices due to more intense free-market
12 competition between sellers; and other factors that may affect price and/or
13 availability of firearms ammunition.
14

15 7. The State of California does not have any legal barriers or bans to
16 interstate commerce in any other products that are otherwise legal to purchase
17 within the state. For example, prescription medications controlled under the
18 auspices of the Drug Enforcement Administration (DEA) and other Federal and
19 state drug laws may be freely purchased over the internet from out of state vendors
20 provided the recipient is legally entitled to make such purchases through a medical
21 prescription. Likewise, cigarettes and other tobacco products may be purchased
22 through internet sales from out of state vendors so long as the purchaser is of legal
23 age to buy those products.
24

25 8. On 11 October 2009 Defendants enacted into law California Assembly
26 Bill 962 (AB 962), the "Anti-Gang Neighborhood Protection Act of 2009". Section
27 7 of that law states: "Section 12318 is added to the Penal Code to read: 12318 (a)
28 Commencing February 1, 2011, the delivery or transfer of ownership of handgun

ammunition may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee. A violation of this section is a misdemeanor.” Further, § 2-12061(3)(F) requires the purchaser to provide a right thumbprint at the time of sale. These two requirements constitute a *de facto* ban on internet purchases of handgun ammunition. However, Article 1, Section 8 of the United States Constitution lays the power “To regulate commerce... among the several states...” with the U.S. Congress. Therefore, any state law that infringes on or prohibits interstate purchases of products legal to own or purchase within that state exceeds that state’s regulatory authority. This also constitutes a major restraint of trade.

9. AB 962 goes on to state in § 6-12317(c): “For purposes of this section, ‘ammunition’ shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with deadly consequences. ‘Ammunition’ does not include blanks.” Magazines, clips and speed loaders are actually devices that hold or contain ammunition (in its commonly understood meaning as being a “round” or “cartridge” typically comprised of a case, propellant, primer and projectile) and feed it to the firearm for discharge. The description in AB 962 actually expands the definition of “ammunition” from being simply the rounds themselves to being – in the case of clips and magazines – parts of the actual firearms. This conflicts with the Federal definition in Title 18, Part 1, Chapter 44 § 921, 17(A) which states: “The term ‘ammunition’ means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm”. Chapter 44 § 922 also specifically permits interstate commerce in ammunition between parties not otherwise barred from the possession of such ammunition. But the “face-to-face” and thumbprint requirements in the state law at issue impose a further barrier to such commerce

1 that conflicts with the Federal statute, and exceeds Defendants' authority, as
2 Federal law supersedes state law.

3
4 10. The "Firearms Owners Protection Act of 1986" (FOPA) specifically
5 permits the sale of firearms and ammunition by a seller in one state to a resident of
6 another state, provided the sale conforms to the laws of both states. Are we to now
7 reasonably assume that ammunition vendors in all the other 49 states in the Union
8 are going to be requiring "evidence of identity" and a thumbprint if a California
9 resident appears in their store to purchase ammunition? How are they going to
10 know the prospective buyer is a California resident? Under the terms of AB 962,
11 the California resident who completes such a transaction without providing
12 "evidence of identity" and a thumbprint is committing a crime; that sale is an
13 illegal transaction in the state of California; and therefore both parties are
14 committing a Federal criminal offense. Further, AB 962 § 2-12061(4) establishes
15 record keeping requirements regarding the sale of "ammunition" as defined in the
16 statute. In order to avoid possible Federal prosecution, every ammunition vendor in
17 the country is going to have to follow the rules set forth by Defendants, placing an
18 undue burden on the nation's gun dealers as well as on all buyers who are not
19 California residents. Clearly, Defendants have exceeded their authority with this
20 requirement, as AB 962 conflicts with the letter and intent of Federal law in this
21 respect.

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23
24 **V. CAUSES OF ACTION**
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FIRST CAUSE OF ACTION

(Violation of the Commerce Clause of the United States Constitution;
Restraint of Trade)

(As against Defendant(s): Schwarzenegger and State of California)

11. Paragraphs 1 through 8 are realleged and incorporated herein by reference.

12. The Commerce Clause of the United States Constitution takes precedence over any and all state laws, is applicable to the states, and California AB 962 § 7-12318(a) exceeds state authority to regulate interstate commerce by imposing a *de facto* embargo against out-of-state vendors through the mechanism of a requirement that sales of ammunition be completed “face-to-face”, accompanied by “evidence of identity” and a thumbprint (§ 2-12061(3)(F)). This is also a *de facto* ban on interstate sales via the internet. Further, it constitutes an unwarranted and illegal restraint of trade.

SECOND CAUSE OF ACTION

(18 USC, Part 1, Chapter 44 § 921, 17(A))

(As against Defendant(s): Schwarzenegger and State of California)

13. Paragraph 9 is realleged and incorporated herein by reference.

14. Defendants have exceeded their authority by redefining “ammunition” as being inclusive of magazines, clips, and speed loaders, which are actually devices for containing “ammunition” as it is defined under Federal statute. Federal statute takes precedence over state law.

15. If any governmental entity at any level – state, city, or county – is able to define language, word usage, and the definition of legal terminology at will, then we have no national standards of reference. Chaos will prevail. What would prevent California, or any other state, from redefining as “ammunition” other essential functioning parts of the firearm itself – with the exception of the frame, where the serial number is located – in future legislation? This could easily lead to *de facto* gun bans through artifice and redefinition.

THIRD CAUSE OF ACTION

(Firearm Owners Protection Act of 1986; 18 USC, Part 1, Chapter 44 § 922)

(As against Defendant(s): Schwarzenegger and State of California)

15. Paragraphs 9 and 10 are realleged and incorporated herein by reference.

16. The “face-to-face”, proof of identity and thumbprint requirements imposed by California AB 962 create a situation in which a sale of ammunition to a resident of California at a gun store in Nevada (for example), could result in both parties being subject to Federal criminal prosecution if the theoretical Nevada vendor doesn’t follow the strictures and procedural requirements of California AB 962 before completing the sale of the ammunition. Most states do not have such

1 requirements for the sale of ammunition, but under the rules set in place by FOPA,
2 the laws of both the state of the seller's establishment and the buyer's residence
3 must be observed.

4
5 17. Further, California AB 962 fails to establish a process or mechanism for
6 the submittal of the required documentation – including thumbprints – by out-of-
7 state vendors, making the conformance with Federal requirements impossible. It
8 also imposes on out-of-state sellers California state requirements for the
9 maintenance of records regarding ammunition sales to California residents, again
10 exceeding its authority, but necessary for that sale to be legal under Federal law as
11 defined by FOPA and 18 USC, Part 1, Chapter 44 § 922, in order for all parties to
12 avoid potential criminal prosecution under Federal law.

13 14 15 **VI. REQUEST FOR RELIEF** 16 17

18 WHEREFORE, the Plaintiff requests:

19
20 18. That the Court enter a declaratory judgment that State of California's
21 "Anti-Gang Protection Act of 2009" (AB 962), §§ 6-12317(c), 7-12318(a), 2-
22 12061(3)(F), and 2-12061(4) are null and void because such provisions violate the
23 Commerce Clause of the United States Constitution; constitute significant and
24 unacceptable restraint of interstate trade; and conflict with and are preempted by
25 the Firearms Owners Protection Act of 1986 and 18 USC Part 1, Chapter 44 §§
26 921, 17(A) and 922.

9
Page Number

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV10- 1843 DMG (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>) BRIAN BAKER	DEFENDANTS ARNOLD SCHWARTZENEGGER, Governor of California STATE OF CALIFORNIA
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) 29045 Raintree Lane Saugus, CA 91390	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles (Schwarzenegger)	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

3/15/2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Name & Address:

BRIAN BAKER
29045 RAINTREE LN.
SAUGUS, CA 91390

IN PROPER

FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRIAN BAKER

PLAINTIFF(S)

v.

THE STATE OF CALIFORNIA and
ARNOLD SCHWARTZENEGGER, Governor of the
State of California

DEFENDANT(S).

CASE NUMBER

CV10 1843 - DMG (JEM+)

SUMMONS

TO: DEFENDANT(S): State of California, and Arnold Schwarzenegger (Governor of the
State of California)

A lawsuit has been filed against you.

FOR OFFICE USE ONLY

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, BRIAN BAKER (IN PROPER), whose address is 29045 RAINTREE LANE, SAUGUS, CA 91390. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 3-15-10By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

FOR OFFICE USE ONLY